

APPEAL NO. 023234
FILED JANUARY 23, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 26, 2002. The hearing officer resolved the disputed issues by deciding that the compensable injury includes ligamentous instability at C5-6, but does not include arthritis at C5-6 or a desiccated disc at C5-6 or any aggravation of those conditions; and that the respondent (claimant) had disability from March 27, 2002, through the date of the hearing. The appellant (carrier) appealed the determinations that the compensable injury includes ligamentous instability at C5-6 and that the claimant had disability from March 27, 2002, through the date of the hearing on sufficiency of the evidence grounds. The claimant responded, urging affirmance. The claimant did not appeal the determination that the compensable injury does not extend to arthritis at C5-6 or disc desiccation at C5-6.

DECISION

Affirmed.

The claimant had the burden to prove the extent of his compensable injury and that he has had disability as defined by Section 401.011(16). Conflicting evidence was presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Accordingly, no sound basis exists for us to disturb the challenged determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**C T CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Roy L. Warren
Appeals Judge